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COATS & BENNETT, PLLC 1400 Crescent Green, Suite 300 Cary, NC 27518			EXAMINER SMITH, CHENEA	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/694,969

Applicant(s)

HAUSMAN, PHILLIP J.

Examiner

CHENEA P. SMITH

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This office action is in response to communications filed 12/10/2007. Claims 1-22 are original. Claims 1-22 are pending in this action.

Response to Arguments

2. Applicant's arguments filed 12/10/2007 have been fully considered but they are not persuasive.

In response to Applicant's arguments on page 3, lines 5-6 that Garfinkle does not disclose or suggest content selected remotely in response to user input, Applicant should note Garfinkle, col 5, lines 10-14, and in addition, col 3, lines 11-14. Garfinkle discloses:

content selected (video product, see col 3, line 11) in response to control inputs (download request, see col 3, lines 13-14) by a controller located remotely from a television (central station 10 selects the video product in response to the user's request and downloads the video product to the user's site, see col 3, lines 11-14).

Claim Rejections - 35 USC § 102

3. The following is a quotation of 35 U.S.C. 102(b) which forms the basis for all obviousness rejections set forth in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2, 6-11 and 15-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Garfinkle (US5530754, hereinafter Garfinkle).

Regarding claim 1, Garfinkle discloses a method of controlling content displayed on a television comprising providing control inputs (cursor-implemented commands input to control microprocessor 20) to the television (see col 3, lines 62-67), displaying content on the television, the content selected in response to the control inputs by a controller (central station 10, see Fig. 1 and col 5, lines 10-14), located remotely from the television (see Fig. 1), and communicating the control inputs and the content between the television and the controller (see col 4, lines 2-5) via a bi-directional communications channel (communications link 16, see col 2, lines 60-67).

Regarding claim 2, Garfinkle discloses communicating control inputs and the content between a television and a controller via a bi-directional communications channel comprises converting the control inputs and the content to communications signals according to a protocol associated with the bi-directional communications channel (inherent since the data is sent over the communication link 16, see col 4, lines 2-5), and transmitting the communications signals between the television and the remotely located controller (see col 4, lines 2-5).

Regarding claims 6 and 15, Garfinkle discloses control inputs include wired or wireless outputs from a device including a pillow speaker or control inputs connected to the pillow speaker, a keyboard, and a remote control (see col 3, lines 52-54).

Regarding claim 7, Garfinkle discloses obtaining control inputs from an output port of a television (inherent that the signals are output from the television since they are transmitted to the central station 10, see col 3, lines 26-31), converting the control inputs to a protocol associated with a bi-directional communications channel (inherent since the data is sent over the communication link 16, see col 4, lines 2-5), and transmitting the control inputs to the remotely located controller (see col 5, lines 10-14).

Regarding claim 8, Garfinkle discloses converting control inputs from a protocol to a format compatible with the remotely located controller, and applying the control inputs to the remotely located controller (see col 4, lines 2-6).

Regarding claim 9, Garfinkle discloses obtaining content from a remotely located controller (central station 10, see Fig. 1), converting the content to a protocol associated with the bi-directional communications channel (inherent since the content is transmitted over the channel, see col 5, lines 10-14), and transmitting the content to the television (see col 5, lines 10-13).

Regarding claim 10, Garfinkle discloses converting content from a protocol to a format compatible with a television, and displaying the content to the television (inherent that the content is converted to a format compatible with the television, as the content is displayed on the television, see col 5, lines 10-13).

Regarding claims 11 and 16, Garfinkle discloses a system for controlling content displayed on a television comprising a television (user site 18, see col 3, lines 51-54) operative to receive control inputs (see col 3, lines 62-67), and to provide the control inputs at an output port thereof (inherent that the signals are output from the television since they are transmitted to the central station 10, see col 3, lines 26-31), a controller (central station 10) located remotely from the television (see Fig. 1) and operative to select content for the television in response to the control inputs (col 5, lines 10-14), a bi-directional communications channel (communications link 16) linking the television and the remotely located controller (see col 4, lines 2-5 and Fig. 1), a first interface unit (input/output port) connected between the television and the channel (inherent that there is an input/output port because the television and the channel are connected, see Fig. 1), operative to transmit the control inputs on the channel (see col 3, lines 26-31) and to receive the content from the channel (see col 5, lines 10-13), and a second interface unit (input/output port) connected between the channel and the remotely located controller (inherent that there is an input/output port because the controller and the channel are connected, see Fig. 1), operative to receive the control inputs from the channel (see col 4, lines 2-5) and transmit the content on the channel (see col 5, lines 10-13).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3-4, 12-13, 17, 19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garfinkle (US5530754, hereinafter Garfinkle), as applied to claims 1, 11 and 16 above, and further in view of Budow et al. (US5625864, hereinafter Budow).

Regarding claims 3, 12 and 17, Garfinkle does not specifically disclose a bi-directional communications channel is a serial bus.

In an analogous art, Budow discloses a bi-directional communications channel is a serial bus (see col 8, lines 38-39).

It would have been obvious for a person having ordinary skill in the art at the time of the invention to modify Garfinkle's system to include a serial bus as a bi-directional communications channel, as disclosed by Budow, for the advantage of providing a cost efficient method of communication between a server and a client, as of cable and synchronization difficulties make parallel communications impractical.

Regarding claims 4, 13 and 19, Garfinkle in view of Budow discloses a protocol is selected from a group including EIA/RS-232, EIA/RS-422, EIA/RS-432 and EIA/RS-485 (see col 8, lines 38-39).

Regarding claim 21, Garfinkle in view of Budow discloses content sources including prerecorded audio/video selections (see Garfinkle, col 3, lines 26-30).

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7. Claims 5, 14 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garfinkle (US5530754, hereinafter Garfinkle), as applied to claims 1, 11 and 16 above, and further in view of Palm et al. (US 6008736, hereinafter Palm).

Regarding claims 5, 14 and 18, Garfinkle does not specifically disclose electrically isolating a television from a communications channel and a remotely located controller.

In an analogous art, Palm discloses electrically isolating a television from a communications channel and a remotely located controller (see col 5, lines 51-54).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify Garfinkle's system to include electrically isolating a television from a communications channel and a remotely located controller, as disclosed by Palm, for the advantage of avoiding electromagnetic interference.

8. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Garfinkle (US5530754, hereinafter Garfinkle), as applied to claim 16 above, and further in view of Teng et al. (US593043, hereinafter Teng).

Regarding claim 20, Garfinkle discloses a server (see col 2, lines 49-50), but does not specifically disclose connecting each controller via a router to a server operative to selectively retrieve content from one or more content sources.

In an analogous art, Teng discloses connecting a controller (LAN segment 31) via a router (hub switch 30) to a server (video server 12) operative to selectively retrieve content from one or more content sources (see Fig. 1).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify Garfinkle's system to include connecting a controller via a router to a server operative to selectively retrieve content from one or more content sources, as disclosed by Teng, for the advantage of increasing the number of videos sources available to the server by connecting to a wide area network.

9. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Garfinkle (US5530754, hereinafter Garfinkle) in view of Budow et al. (US5625864, hereinafter Budow), as applied to claim 19 above, and further in view of Teng et al. (US593043, hereinafter Teng).

Regarding claim 22, Garfinkle in view of Budow does not specifically disclose content sources including the Internet.

In an analogous art, Teng discloses content sources including the Internet (clients share video via LAN, see col 7, lines 14-18).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the system of Garfinkle in view of Budow to include content sources including the Internet, as disclosed by Teng, for the advantage of allowing clients to share video, thereby increasing the amount of content available to users.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **CHENEA P. SMITH** whose telephone number is (571)272-9524. The examiner can normally be reached on Monday through Friday, 7:30 am - 5:00 pm, EST.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Chenea P. Smith
2/26/2008



CHRISTOPHER GRANT
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600